

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

Robert P. Jonas,

Case No. 20-10886

Chapter 13

Debtors.

**TRUSTEE'S MOTION TO MODIFY DEBTOR'S CONFIRMED CHAPTER 13
PLAN TO INCREASE PLAN BASE AND DIRECTING TURNOVER OF NON-
EXEMPT PROCEEDS TO THE TRUSTEE**

Andrea E. Celli, Chapter 13 Standing Trustee (the "Trustee"), states the following as and for her Motion for an Order pursuant to 11 U.S.C. §§105, 541, 1307, and 1329 modifying the debtor's confirmed Chapter 13 plan to increase the plan base and directing debtor to turn over non-exempt proceeds received from the Estate of Ronald Harmer:

BACKGROUND

1. On June 26, 2020 Debtor filed a Chapter 13 petition for relief.
2. On or about August 20, 2020, debtor's Chapter 13 plan was confirmed by this Court providing for monthly payments of \$600 per month for sixty (60) months so as to pay general unsecured creditors 0% of their allowed claims.
3. The Trustee has learned that the debtor received distributions in the amounts of \$54,330.69 and \$44,723.98 from separate trust companies in relation to his deceased father's estate.

**TURNOVER OF FUNDS FROM INHERITANCE AND MODIFICATION OF
PLAN**

4. With this motion, the Trustee seeks an Order from this Court under §§105, 541, and 1329 of the Code directing debtor to turn over distributions received from the trust companies or estate to the Trustee in an amount sufficient to pay all filed and allowed claims in full and to immediately modify the debtors' Chapter 13 plan.

5. The Trustee also requests that the balance of the trust and/or inheritance funds be held in escrow pending written confirmation from the Trustee that that plan has been paid in full.

6. In the event debtor has expended the inheritance proceeds, the Trustee requests an Order directing him to provide her with an accounting within ten (10) days, with names, addresses, account number/statements, and amounts expended (including copies of checks).

7. Upon information and belief, the Trustee respectfully submits that the debtor and/or his attorney are aware of the fact that their confirmed plan requires the funding of such funds.

WHEREFORE, and in the interest of justice, the Trustee respectfully requests that this Court issue an Order pursuant to 11 U.S.C. §§105, 541, 1307, and 1329 modifying the debtor's confirmed Chapter 13 plan to increase the plan base and directing debtor to turn over all distributions received and that the Court grant such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Dated: April 14, 2023

Andrea E. Celli
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